

UNITED STATES DISTRICT COURT

District of

Guam

VIRGIL M. LORENZO

Plaintiff

V.

DONALD RUMSFELD, Secretary of Defense,

Defendant

ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

CASE NUMBER: 05-00035

FILED
DISTRICT COURT OF GUAM

DEC - 8 2005

MARY L.M. MORAN
CLERK OF COURT

Having considered the application to proceed without prepayment of fees under 28 USC §1915;

IT IS ORDERED that the application is:

☐ GRANTED.

☐ The clerk is directed to file the complaint.

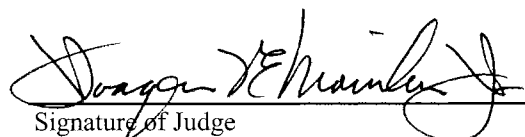
☐ IT IS FURTHER ORDERED that the clerk issue summons and the United States marshal serve a copy of the complaint, summons and this order upon the defendant(s) as directed by the plaintiff. All costs of service shall be advanced by the United States.

☒ DENIED, for the following reasons:

The Plaintiff appears to have the ability to pay the filing fee. He states that his wife earns a salary which is automatically deposited into financial accounts (checking and savings) to which he has access. Additionally, the Plaintiff is a co-signatory to his wife's investment accounts. As a spouse, the Plaintiff is entitled to share in his wife's income. Additionally, the Plaintiff owns residential lots which may provide a source of income to pay the filing fee.

Accordingly, the Plaintiff shall pay the \$250.00 filing fee no later than January 30, 2006, and shall serve the Defendant with a copy of the complaint and summons forthwith.

ENTER this 8th day of December, 2005.


Signature of Judge

Joaquin V.E. Manibusan, Jr., U.S. Magistrate Judge
Name and Title of Judge

ORIGINAL